

In re: JIMMIE MILLER) OEIG Case # 11-01052

candidates. The investigation further revealed that one hand-selected candidate was referred by Mr. Miller's wife and another was the niece of an IDVA employee referred by a Springfield politician. The method in which Mr. Miller hired the student workers ultimately violated State hiring policies and in particular, *Rutan* provisions and other related administrative orders.

During the course of the investigation, OEIG investigators also discovered that Mr. Miller improperly signed documents he was not authorized to sign using both [former director] and [director's] name and exceeded the signature authority he was granted. Investigators also discovered that Mr. Miller continued to sign documents he was not authorized to sign after [director] replaced [former director] as IDVA Director and signed [director's] name to documents before he was given any authority to do so.

In light of the above misconduct, the OEIG was planning to recommend that Jimmie Miller be discharged for his misconduct. However, in early February 2012, the OEIG learned the Mr. Miller resigned effective February 2, 2012. Thus, the OEIG recommends that IDVA place a copy of this report in Mr. Miller's personnel file and that Mr. Miller not be considered for future State employment.

No further investigative action is needed, and this case is considered closed.

FINAL REPORT

I. Initial Allegations and Subsequent Allegations

The Office of the Executive Inspector General ("OEIG") received a complaint alleging that the Illinois Department of Veterans' Affairs ("IDVA" or "Department") Human Resources Manager Jimmie Miller violated administrative orders regarding hiring procedures in order to hire student workers with whom he had a relationship. The OEIG also discovered during the investigation that Mr. Miller falsified employment documents and violated signature authority granted to him by IDVA Directors.

II. Background

A. IDVA Human Resources Manager Jimmie Miller

Jimmie Miller was IDVA's Human Resources Manager, having started in that position in October 2009.¹ From 2007 until October 2009, Mr. Miller served as IDVA's Equal Employment Opportunity Officer.

B. IDVA Directors [former director] and [director]

¹ Mr. Miller was placed on administrative leave on October 27, 2011, pending completion of an internal IDVA investigation into misuse of [director's] signature authority.

From February 2009 until August 2011, [former director] served as IDVA's Director. On August 5, 2011, [director] was appointed IDVA Director.

C. Interagency Committee on Employees with Disabilities

The Interagency Committee on Employees with Disabilities ("ICED") is a committee comprised of representatives from the Departments of Human Rights, Human Services, Central Management Services, Veterans Affairs, the Civil Service Commission, and other State entities. ICED was created by statute to address the needs of state employees with disabilities. ICED serves as a resource to State agencies on disability matters and state employees. Since 1999, ICED has conducted an internship program wherein it refers disabled college students to participating State agencies to fill vacant student worker positions.

D. Student Worker Summer Program at IDVA

Prior to 2010, the Director of IDVA approved of plans to hire summer student workers. Student workers hired under the summer programs provided additional administrative support. In 2010, however, [former director] (hereinafter referred to as "[former director]") and former Chief of Staff [redacted] did not authorize a 2010 summer program. [Former director] did authorize one in 2011 with the understanding that the student workers were to be recruited from the ICED Internship Program. Human Resources Manager Miller was responsible for overseeing the 2011 summer program.

III. Investigation

A. Allegations Regarding the 2011 Summer Student Worker Program

1. Interview of [former director]

On July 6, 2011, investigators interviewed [former director]. [Former director] stated that when he first came to IDVA in 2009, the summer student worker program was used to hire relatives of current IDVA employees. [Former director] said he did not approve the 2010 summer program because he did not believe the program should be used to hire IDVA relatives.

After the summer of 2010, [former director] became aware that the ICED Internship program offered employment opportunities to disabled college students and agreed to reinstitute the summer student worker program for 2011. [Former director] explained that hiring ICED candidates would alleviate his concern that students connected to IDVA employees would be hired. [Former director] said he informed Mr. Miller that the Department could hire ICED student workers if a justifiable need existed. [Former director], however, could not recall whether he specifically instructed Mr. Miller to only hire ICED student workers.

2. Review of Hiring Documents

Investigators obtained and reviewed records regarding applicants for the 2011 summer student worker program. The documents revealed that IDVA received 87 applications for positions in Springfield, 134 for positions in Chicago, and 22 for positions in Quincy. The Springfield and Chicago positions included job descriptions describing the student workers job duties. In April 2011, Mr. Miller amended the job description for the Springfield position, which states the position is not exempt from *Rutan*.²

IDVA documents revealed that ten 2011 summer student worker positions were approved. The ten vacancies were approved as follows:

- four positions at the Central Office in Springfield;
- one position at the Prince Home in Manteno;³
- one position for the State Approval program at the Springfield office;
- one position at the Chicago headquarters at the James R. Thompson Center; and,
- three positions at the Quincy Veterans' Home.

In addition, an electronic Personnel Action Request ("ePAR") that was submitted to the Governor's Office of Management and Budget was subsequently approved and indicated that:

"[r]ecruitment will be done thru the ICED Internship program allowing [s]tudents with [d]isabilities an opportunity to gain training and experience in the work place."

IDVA also posted the vacancies on the Work4Illinois website, kept the posting open until May 24, 2011, and the posting stated, "Candidates from ICED program will be given first consideration." Correspondence records show that the ICED program forwarded seven applications to IDVA's EEO Officer who forwarded them to IDVA Human Resources.

a. Chicago Position and Applicants

In May and June 2011, IDVA interviewed five candidates to fill two Chicago positions.⁴ [Applicant 1] was interviewed on May 20, 2011 but was not referred from the ICED program. [Applicant 1's] application revealed that she had been employed by IDVA during the summer of 2010 and that she was disabled; however, her 2010 application did not indicate any disability. [Applicant 1] was ranked first and was the only person interviewed. She began work on May 23, 2011, three days after her interview and one day before the student worker posting closed.

² *Rutan v. Illinois Republican Party*, 497 U.S. 62 (1990).

³ Documents reviewed did not contain any record of the selection of a student worker for the Manteno or State Approval program positions. Records also revealed that no applicants for a position at the Quincy Veterans' Home were students who had been referred by the ICED program.

⁴ Mr. Miller later explained that he decided to add a student worker position to Chicago after he determined that the approved positions at Manteno and in the State approval office were no longer necessary.

On June 8 and 9, 2011, Deputy Director [redacted] interviewed four ICED candidates for the remaining Chicago position.⁵ The candidate ranked first, [applicant 2], was offered and accepted the summer position with IDVA.

Candidate evaluation forms reveal that the ICED program applicants for Chicago were asked the same ten interview questions. [Applicant 1's] candidate evaluation form, however, reveals that she was only asked seven questions.

b. Springfield Central Office Position and Applicants

IDVA initially interviewed five candidates to fill the four positions for the Springfield Central Office. Two ICED applicants were interviewed ([applicant #3] and [applicant #4]) and three non-ICED applicants were interviewed: [applicant #5], [applicant #6], and [applicant #7].⁶

Hiring records reveal that Mr. Miller was the interviewer for all Springfield candidates and that he only asked three questions.⁷ Interviewees were awarded additional points based on the interviewer's observation of the applicant's overall ability to communicate. These four areas were each scored and then combined for a total score.

The candidates were ranked as follows (highest to lowest): [applicant #3], [applicant #5], [applicant #6], [applicant #7], and [applicant #4].⁸ [Applicant #3] declined IDVA's offer of employment but the other four were hired. When [applicant #4] was terminated, another ICED candidate, [applicant #8], was hired on June 27, 2011, to replace him. [Applicant #8's] hiring paperwork reveals that she was interviewed by [employee #1].

3. *Interview of IDVA Employee [employee #2]*

On August 29, 2011, Public Service Administrator [employee #2] was interviewed. [Employee #2] [identifying information redacted] said she drafted the 2011 student worker program ePAR. According to [employee #2], the Governor's Office and the Office of Management and Budget were more inclined to approve student workers if ICED program candidates were given preference. [Employee #2] said that Mr. Miller instructed her to include a section in the ePAR indicating that ICED candidates would receive preference. [Employee #2] understood that all student workers were supposed to be from the ICED program but that based on those hired, she did not believe ICED candidates were given preference.

⁵ [Applicant #2], [applicant #9], [applicant #10], and [applicant #11].

⁶ Further investigation revealed that [applicant #6] and [applicant #7] are siblings.

⁷ The questions were "Are you currently attending a college or university of higher learning?"; "What are your career goals that are consistent with being a productive citizen?"; and "Do you have any interests outside school and work?"

⁸ Although [applicant #5] was ranked second, Mr. Miller stated in his interview, which is further detailed in section 12(e) below, that he interviewed [applicant #5] first. Mr. Miller further admitted that he offered [applicant #5] the student worker position at the end of her interview, before interviewing any other candidates.

[Employee #2] said she did not participate in the interview or selection of 2011 student workers but found it unusual that a brother and sister ([applicant #6] and [applicant #7]) were hired for two of the four Springfield positions. She also found it unusual that IDVA employee [employee #3's] niece, [applicant #5], was hired. [Employee #2] also said that Mr. Miller hired [applicant #1] and that [applicant #1] had previously worked at IDVA as an emergency appointment to assist in the Human Resources office. [Employee #2] recalled that during the summer of 2010, Mr. Miller and [applicant #1] often commuted to work together.

4. *Interview of Chicago Office Student Worker/ICED Participant [Applicant #2]*

On August 10, 2011, investigators interviewed ICED program participant and Chicago IDVA student worker [applicant #2]. [Applicant #2] worked from June 13 through August 12, 2011. [Applicant #2] said she was interviewed on June 8, 2011, and was offered a position the next day.

5. *Interview of Chicago Office Student Worker [Applicant #1]*

On August 3, 2011, Chicago Office student worker [applicant #1] was interviewed. [Applicant #1] said she was not an ICED program participant but was a student worker in 2010 and 2011 and recalled completing an online application prior to starting work (May 23, 2011). [Applicant #1] said she was not interviewed for the 2011 student worker position, but did receive a call from [employee #4], who subsequently became her 2011 summer program supervisor.

When asked about her student worker position for the 2010 summer, [applicant #1] stated that she was telephonically interviewed by Jimmie Miller before she began and said she knew Mr. Miller's wife, [redacted], from high school. [Applicant #1] said that Mrs. Miller had encouraged her to apply at IDVA. [Applicant #1] could not explain why her 2011 application indicated that she was disabled, when in fact she is not.

6. *Interview of Chicago IDVA Manager [Employee #4]*

On September 6, 2011, [employee #4] was interviewed. [Employee #4] said that in the summer of 2011, [applicant #1] was assigned to work at IDVA's Chicago Office and that prior to her start date, Jimmie Miller called to inform him that he would be getting a student worker. [Employee #4] said he did not have any work for [applicant #1] to do, so he assigned her to the IDVA's Taylor Street Chicago office to work with their other student worker ([applicant #2]). [Employee #4] recalled learning that [applicant #1] had worked for IDVA the previous summer and knew Mr. Miller from church.

7. *Interview of Springfield Student Worker/ICED Participant [applicant #8]*

On August 12, 2011, ICED program participant and IDVA student worker [applicant #8] was interviewed. [Applicant #8] stated that she worked at the Springfield office from July through August 2011. [Applicant #8] said that she completed an online application and

forwarded it to Chicago. [Applicant #8] said she was interviewed by [employee #1] who asked her three questions.⁹ After the interview, she was asked when she could start.

8. *Interviews of Springfield Student Workers [applicant #6] and [applicant #7]*

On August 8 and November 1, 2011, student worker [applicant #6] was interviewed. [Applicant #6] did not participate in the ICED program. [Applicant #6] stated that he worked at the Springfield office from June to August 2011 and that his sister ([applicant #7]) also worked there. [Applicant #6] said that he learned of the vacancy online and was interviewed by Jimmie Miller in June 2011. [Applicant #6] said that he did not know Mr. Miller prior to interviewing with him and was unsure whether his mother, an employee of Springfield School District #186, knew Mr. Miller or his wife.¹⁰ [Applicant #6] said that he did not feel that he received his student worker position because of any personal relationship with anyone.

In September and November 2011, student worker [applicant #7] was interviewed. [Applicant #7] did not participate in the ICED program. [Applicant #7] confirmed that her brother also worked as a student worker. [Applicant #7] said that when she arrived for her interview, she was taken to Mr. Miller's office, but because he was on the phone, [employee #1] conducted the interview. [Applicant #7] said that [employee #1] asked her questions from a prepared list and at the end of the interview was told she would be hired. [Applicant #7] stated that she did not know Mr. Miller prior to working at IDVA nor did she know whether her mother knew him or his wife.

9. *Interviews of Springfield Student Worker [Applicant #5]*

On August 8, 2011, and January 30, 2012, student worker [applicant #5] was interviewed. [Applicant #5] did not participate in the ICED program. [Applicant #5] worked as a student worker at the Springfield office from June to August 2011 and said that Mr. Miller interviewed her on May 31, 2011, the interview lasted about five minutes and she was asked to start the following day. [Applicant #5] said she was "for sure" asked more than three questions, but less than ten and recalled being asked questions about her education, and computer skills, among other things but did not recall being asked about her career goals and interests outside school and work.

[Applicant #5] is the niece of IDVA employee [employee #3] and said that when she learned of the vacancy she completed her online application and gave it to her aunt to deliver it to Mr. Miller. [Applicant #5] understood that her aunt spoke to Mr. Miller about her receiving a student worker position. [Applicant #5] said she had learned that Mr. Miller notified Springfield Alderman [alderman] that he (Mr. Miller) was looking for student workers and that [alderman] notified her father of the employment opportunity. Her father was directed to fax her application

⁹ See footnote 7.

¹⁰ During his interview, Mr. Miller said that his wife was employed by Springfield School District #186.

to Mr. Miller indicating that the application was from [alderman]. [Applicant #5] believed she had a good chance of obtaining a student worker position because of [alderman's] influence and because of her aunt's influence.

10. Interview of Springfield Alderman [alderman]

On October 27, 2011, Springfield Alderman [alderman] was interviewed. [Alderman] said that she met Mr. Miller through his wife, who is [identifying information redacted]. [Alderman] also said that [alderman] [identifying information redacted].

[Alderman] said Mr. Miller had asked [alderman] if [alderman's] college-aged daughter was interested in being an IDVA student worker for the summer of 2011. [Alderman] said [alderman] informed Mr. Miller that [alderman's] daughter already had a summer job and that Mr. Miller then asked [alderman] if [alderman] knew of any minorities interested in a summer position. [Alderman] said that [alderman] gave Mr. Miller the name of [applicant #5], the daughter of a personal associate, [father]. [Alderman] said that [alderman] informed [father] to have his daughter submit an application to Mr. Miller's attention. [Alderman] also directed [father] to indicate on the fax that [alderman] directed him to send the application.

[Alderman] said that [alderman] did not intend for [father] to refer to her as "Alderman [redacted]" in his correspondence with Mr. Miller. [Alderman] said [alderman] did not intend to use [alderman's] political position to help a friend.

11. Interviews of Subject Jimmie Miller

On December 5 and 13, 2011, investigators interviewed HR Manager Jimmie Miller. Mr. Miller said that he has been employed as the HR Manager for IDVA since October 2009. Mr. Miller, who previously served approximately two years as IDVA's EEO Officer, said that he had no human resources experience before being appointed to the HR Manager position. Mr. Miller said that he relied on training from former HR Manager and now-subordinate employee [employee #2] to learn the responsibilities of his job through on the job training.

a. Background of IDVA Student Worker Program and Summer 2010

Mr. Miller said that before he became HR Manager, the summer program was populated by relatives of IDVA employees. Mr. Miller described the program as "far-reaching nepotism." Mr. Miller said that Chief of Staff [redacted] disliked using student workers and discontinued the student worker program after 2009. Mr. Miller said that in 2010, he received requests from IDVA employees who were hopeful that the Department would reinstitute the "friends and family plan" that had previously been in place. Mr. Miller said that the agency had need of only one, two, or three employees for the summer of 2010, rather than a full student worker program. Mr. Miller recalled that he hired a couple individuals for the summer of 2010 "based on referrals." He did not post the positions or otherwise formally announce that the Department was hiring staff for the summer. Mr. Miller also said he was in the "talent business" and that because

he can identify talent in various ways, he is unsure where he learned about each of the 2010 summer workers.

When asked specifically about [applicant #1], Mr. Miller recalled that she had been hired as a 60-day emergency appointment to assist HR staff catch up with a backlog of filing in the summer of 2010. Mr. Miller's wife works for Springfield Public Schools District #186. Mrs. Miller worked with [applicant #1] while [applicant #1] was a student in Springfield, and recommended [applicant #1] to Mr. Miller. During the time she worked for IDVA, [applicant #1] and Mr. Miller rode to work together on a regular basis and would occasionally eat lunch together.

b. Background on Summer 2011 Student Worker Program

For the summer of 2011, Mr. Miller sought permission from Chief of Staff [redacted] to have a student worker program. According to Mr. Miller, [redacted] initially opposed having student workers but agreed after learning that candidates would be hired from the ICED program. Mr. Miller confirmed that ICED candidates would be provided a preference.

Mr. Miller said that IDVA received approval to fill ten student worker positions, but that because not all positions were needed (the position at Manteno Veterans' Home and the State Approval position) he (Mr. Miller) authorized one additional position for the Chicago Office. The positions were posted to the Work4Illinois website, and the Department received many applications. Mr. Miller's subordinate employee [employee #5] compiled the applications and ensured that they were complete and timely before providing them to Mr. Miller. Mr. Miller said that he was the only one who determined whom to interview, and said he automatically interviewed all ICED candidates. Mr. Miller sent the selected Chicago candidates' applications to [employee #6] to conduct interviews and forwarded applications to Quincy staff to complete the hiring process for positions there.

c. Rutan Interview Process for Student Workers

Mr. Miller said that he understood that the student worker positions were not *Rutan*-exempt positions.¹¹ Mr. Miller said that he, [employee #1], and [employee #6] were all *Rutan*-certified interviewers¹² and that in order to expedite the process, interviews and selection were made on a rolling basis rather than by conducting all of the interviews and extending offers to the highest scoring interviewees. Mr. Miller said that the Personnel Rules did not require him to use an eligible list or to hire the top ranked candidate. Mr. Miller said that he felt the *Rutan* procedures only obligated him to use the same questions for each interview. Mr. Miller said that

¹¹ Mr. Miller amended the position description for the Central Office student workers in April 2011, which clearly sets out that the student worker position is not exempt from *Rutan*.

¹² Investigators obtained records confirming that Mr. Miller, [employee #1] and [employee #6] were *Rutan*-certified interviewers. Mr. Miller participated in *Rutan* training and became certified on October 21, 2009.

he did not believe *Rutan* procedures were required for hiring people for *Rutan*-covered positions, but rather were a “suggested” practice.

Mr. Miller said that he drafted the questions for student worker interviews in Springfield and Chicago by amending a set of previously used student worker questions. Mr. Miller could not recall the exact questions he asked the first candidate, [applicant #5]. However, Mr. Miller stated that the set of questions he used with [applicant #5] was longer and more complex than the set he used with the next candidate ([applicant #4]). During [applicant #4’s] interview, Mr. Miller said he changed the questions in order to make them more manageable for [applicant #4] who was having difficulty understanding questions. Mr. Miller said that he did not recall what set of questions he used with the remaining Springfield applicants. Mr. Miller said he also interviewed [applicant #6], [applicant #3], and [applicant #1] and said that [employee #6] interviewed all Chicago applicants except [applicant #1]. Finally, Mr. Miller said that [employee #1] interviewed [applicant #7] and [applicant #8] and confirmed that only one interviewer conducted interviews for each student worker.

Mr. Miller was shown a copy of Administrative Order No. 2 (2009) (“Order”).¹³ After reviewing the Order, Mr. Miller stated:

- He had never seen the Order before;
- Was not aware of the Order’s limitations and requirements;
- Was unaware of the Order’s requirement that multimember interview panels be used unless the Director of CMS provides a waiver of the requirement;
- He did not seek approval to use single interviewers;
- Was unaware that an agency was required to use a standardized method for selecting candidates to interview; and,
- That he did not use a standardized method of selection because he was just looking for candidates with the experience and education to do the job.

When asked why so few interviews were conducted, Mr. Miller responded that job offers were extended to all those interviewed. Mr. Miller stated that the Personnel Rules did not forbid immediate hiring, so he hired the student workers immediately following their interview and said that he was trying to keep the process simple, only interviewing a handful of candidates because so many IDVA employees had been disgruntled that their family members were not being hired.

d. [Employee #1’s] Summer 2011 Position

Mr. Miller said that after working for the Department during the summer of 2010, [applicant #1] kept in touch with HR staff and voiced her interest in returning to work for the

¹³ Administrative Order No. 2 (2009) was issued by Governor Quinn on December 10, 2009, confirming the administration’s commitment to the *Rutan* hiring practices established by former governors and creating additional processes for state agencies to follow to ensure that the State was complying with the law and adhering to merit principles.

Department. According to Mr. Miller, [employee #4] needed someone who “knew DVA and could hit the ground running” and had a good personality because she would be working with veterans who had been denied benefits. Mr. Miller initially said he had placed [applicant #1] in an emergency appointment to work for [employee #4], but after being shown the CMS-2 he confirmed that [applicant #1] was hired as a student worker with the same position number as the other Chicago student worker.

Mr. Miller said [applicant #1] began work on May 23, 2011, the day before the posting expired but said it was not unusual to hire someone prior to the posting expiration date, as he did not believe he was even required to post the positions. When asked, Mr. Miller said that he did not violate the provision of the Order that directs interviewers to be “free of advance knowledge of candidates and outside influences” with regard to [applicant #1]. Mr. Miller said he hired [applicant #1] for the position with [employee #4] because she was perfect for the job and was no different from ICED candidates as she had a learning disability.

Mr. Miller was unable to explain why [applicant #1] listed on her 2011 application that her 2010 position was as an “ICED student worker” or why she marked herself as disabled on the 2011 application but not the 2010 application.

e. Hiring of [applicant #5]

Mr. Miller said that he first met [applicant #5] when she interviewed for a student worker position. Mr. Miller said that he did not know that [applicant #5] was IDVA employee [employee #3's] niece. Although he did not recall receiving a copy of [applicant #5's] application from [employee #3], he did not deny that [employee #3] may have referred [applicant #5].

Mr. Miller stated that he hired [applicant #5] in the Central office before interviewing any other Central office candidates in order to ensure that setup was easy and completed before the other student workers began. Mr. Miller explained that he believed that certain “set-up” tasks needed to be completed prior to filling all of the positions. Mr. Miller was unsure what types of disabilities ICED candidates might have that would inhibit their ability to perform certain duties.

Mr. Miller said that he knows Springfield Alderman [alderman] socially but he did not discuss the student worker program with [alderman] until after student workers were hired. Mr. Miller denied asking [alderman] about [alderman's] daughter's interest and denied asking [alderman] whether [alderman] knew of minority candidates interested in the positions. Mr. Miller said that he had many conversations with people trying to get their friends or family jobs, but did not recall [alderman] recommending [applicant #5] for a position. Mr. Miller also did not recall whether [applicant #5's] application was faxed directly to him but said it was not unusual for applications to come in on his direct line because IDVA employees often distribute his fax number.

f. Hiring of [applicant #7] and [applicant #6]

Mr. Miller denied having any prior relationship with [applicants #6 and #7] or their parents. Mr. Miller said that he was unaware that [applicants #6 and #7] went to school in Springfield District 186, the district where his wife works, and denied any knowledge of a relationship between his wife and the [applicants'] mother. When asked why he hired siblings for two of four positions, Mr. Miller said that he thought it would be easy to manage siblings, as they would motivate each other to go to work each morning.

g. Hiring Documents

Mr. Miller said that the interviewer is responsible for completing the Candidate Evaluation Form and Employment Decision Form for each candidate. The interviewer signs the Candidate Evaluation Form and the Director, or his designee, signs the Employment Decision Form. Mr. Miller was asked to explain why he was listed as the Interviewing Officer even though he did not interview [applicant #7]. Mr. Miller responded that the form is accurate but should have included [employee #1's] name as another Interviewing Officer. Mr. Miller initially said that [employee #1] showed [applicant #7] what the job entailed and may have asked some questions, but that he met with [applicant #7] after [employee #1] and asked her the *Rutan* interview questions. Mr. Miller then said that he recalled being busy the day of the scheduled interview and asked [employee #1] to complete the interview.

12. *Investigative Activity Following Jimmie Miller's Interviews*

Investigators obtained an email distributed on December 11, 2009, wherein the Acting Deputy Director for CMS Bureau of Personnel provided agency personnel with a copy of Administrative Order No. 2 (2009) and an accompanying memorandum from the Governor's Chief of Staff. The Chief of Staff memo states that Administrative Order No. 2 creates "new guidelines and procedures to further ensure that the State maintains a fair and objective hiring process in full compliance with *Rutan*" and directs recipients to circulate the administrative order to senior staff and others involved in the *Rutan* hiring process. The memo further identifies that the administrative order, by law, only applies to agencies under the jurisdiction of the Governor, but reminds recipients that all State agencies are subject to the requirements and prohibitions of *Rutan*. Both Jimmie Miller and [employee #2] were recipients of the memo.

B. Allegations Regarding Jimmie Miller's Signature Authority

During the course of its investigation, the investigators received an additional allegation that Mr. Miller was signing [former director] and [director's] name to documents for which he was not authorized. Investigators subsequently received and reviewed 28 documents of which 22 of them relate to eleven separate transactions bearing [former director's] name (dated between

June 13 and August 1, 2011). Six, of the documents related to three separate transactions bearing [director's] name (dated between August 9 and August 22, 2011).¹⁴

1. *Review of Documents Related to Signature Authority*

a. [Former director's] Signature Authority

On October 13, 2009, [former director] first authorized Mr. Miller to sign his name for personnel records. The authorization granted broad authority to "sign all employee and position action and related documents for the Department of Veterans' Affairs."

On May 31, 2011, [former director] rescinded his signature for all employees of the Department. On June 3, 2011, [former director] issued a memorandum that notified the Department of Central Management Services that any previously granted signature authority for IDVA Human Resources staff was no longer valid. The memorandum also provided "new and limited signature authority" for Mr. Miller as follows:

- CMS-2 forms for the following purposes:
 - Probationary appointments,
 - Attendance-related discipline,
 - Job assignment/shift preference,
 - Non-certified terminations,
 - Suspensions pending investigation, and
 - Suspension returns;
- Internal Action Requests for any transaction other than non-attendance related discipline;
- Performance evaluations for coded employees;
- Payroll vouchers; and
- Form C-65 Salary Refunds.

After June 3, 2011, [former director] did not authorize Mr. Miller to sign [former director's] name to employment decision forms or CMS-2s for trainee appointments, promotions, emergency appointments, or temporary appointments.

b. [Director's] Signature Authority

On August 9, 2011, newly-appointed [director] completed a memorandum for transmittal to the Department of Central Management Services rescinding any prior signature authority

¹⁴ On October 18, 2011, [director] tasked an IDVA Internal Auditor to audit documents signed by Mr. Miller. The audit was completed and provided to [director]. The Chief Internal Auditor made six findings relating to Mr. Miller: (1) engaging in nepotism, (2) violating signature authority on CMS-2s, (3) violating signature authority on position descriptions, (4) violating administrative rules regarding the Equal Employment Officer, (5) violating administrative rules regarding extending an employee's retirement date, and (6) equipment issues.

granted to IDVA senior staff and authorizing Mr. Miller to sign her name to specific personnel materials:

- CMS-2 forms for the following purposes:
 - Probationary appointments,
 - Attendance-related discipline,
 - Job assignment/shift preference,
 - Non-certified terminations, and
 - Suspension returns;
- Internal Action Request forms;
- Performance evaluations for coded employees not under his supervision;
- Form C-65 Salary Refunds;
- Reasonable Accommodation Certifications;
- FMLA approval and denial letters;
- Back Wage Claim Certification Forms;
- CMS 101 Personnel Requisition of Eligibles Form; and
- Flexible Work Schedule Requests.

[Director] did not authorize Mr. Miller to sign [director's] name to employment decision forms or CMS-2s for emergency or temporary appointments.

2. *Review of Personnel Documents Signed by Jimmie Miller*

a. Documents Bearing Director [former director's] Name

The OEIG reviewed the 22 personnel documents that appear to have been signed by Mr. Miller following [former director's] June 3, 2011, signature authority memorandum. All of the documents reviewed were dated between June 13, 2011, and August 1, 2011.

The documents have [former director's] signed name followed by the initials "JM" and are similar to Mr. Miller's sample provided to CMS in the June 3, 2011, memorandum. The documents include CMS-2s for one probationary appointment, two emergency appointments, one promotion, one temporary appointment, and five trainee appointments. The employment decision forms accompanying the ten above transactions and one additional trainee appointment also appear to have been signed by Mr. Miller as a designated signatory for [former director]. Mr. Miller was not authorized to sign employment decision forms or CMS-2s for trainee appointments, promotions, emergency appointments, or temporary appointments after May 31, 2011. The only document Mr. Miller had authority to sign was the CMS-2 for the probationary appointment.

b. Documents Bearing [Director's] Name

Investigators reviewed six personnel documents that appear to have been signed by Mr. Miller following [director's] August 9, 2011, memorandum. The documents reviewed were

dated between August 9 and August 22, 2011, and contained [director's] signed name followed by the initials "JM." The documents include signed CMS-2s and employment decision forms related to three emergency appointments. Per the [director's] memo, Mr. Miller was not authorized to sign employment decision forms or CMS-2s for emergency appointments.

3. *Interview of IDVA Employee [employee #2]*

In her August 29, 2011, interview, [employee #2] said that after [former director] terminated all signature authority, Mr. Miller directed human resources staff to provide all documents requiring [former director's] signature to Mr. Miller. Later, [employee #2] received a copy of a memorandum from [former director] detailing new authority for Mr. Miller. The new authority removed Mr. Miller's authorization to sign employment decision forms and CMS-2s for emergency and temporary appointments. [Employee #2] said that Mr. Miller never complied with the new, limited authority and continued to sign forms that he was not authorized to sign. After [former director] left IDVA, Mr. Miller was granted authority by [director] to sign additional types of records.

4. *Interview of IDVA Employee [employee #8]*

On September 27, 2011, [employee #8] was interviewed. [Employee #8] said that effective June 1, 2011, [former director] removed signature authority from everyone at IDVA because Mr. Miller was signing documents not within his signature authority. [Employee #8] understood that [former director's] specific concern was that Mr. Miller was signing hiring documents for his friends. [Employee #8] said that Mr. Miller continued to sign documents he was not authorized to sign using both [former director] and [director's] name. [Employee #8] recalled that as recently as September 22, 2011, she saw that Mr. Miller signed [director's] name to a change of his own position description.¹⁵

5. *Interview of Subject Jimmie Miller*

In his December 13, 2011, interview, Mr. Miller was asked about signature authority he had been granted. Mr. Miller stated that he has authority to sign the Director's name on personnel documents, but that this authority is limited to specific items identified by the Director and that both [former director] and [director] authorized him to sign on their behalf. Mr. Miller acknowledged that [former director] rescinded all signature authority on May 31, 2011, and that he signed a new signature authority document on June 3, 2011. Mr. Miller was shown the June 3, 2011, memorandum authorizing him to sign [former director's] signature to certain documents.

¹⁵ Investigators obtained a copy of the position description bearing [director's] name followed by the initials "JM." Under the August 9, 2011, signature authority, Mr. Miller was not authorized to sign [director's] name to position description changes. Although the amendment did not change Mr. Miller's duties, it did add a subordinate employee to directly report to Mr. Miller.

When asked whether he signed documents after June 3, 2011, that he was not authorized to sign, Mr. Miller said that he may have but that any documents he signed were “within the reasonable scope of his duties.” Mr. Miller was shown documents relating to ten different transactions signed after June 3, 2011, that he appeared to have signed on behalf of [former director]. Mr. Miller acknowledged signing all but one of the documents shown¹⁶ and confirmed that the June 3, 2011, memorandum did not specifically authorize him to sign Employment Decision Forms or CMS-2s for promotions, emergency appointments, temporary appointments, or trainee appointments.

Mr. Miller said that he views promotions as nothing more than a hire, and because he was authorized to sign for probationary appointments, he believed he was authorized to sign for promotions. Mr. Miller noted that often when an employee is promoted, he serves a probationary period. However, Mr. Miller acknowledged that emergency, temporary, and trainee appointees do not serve probationary periods but that he signed those documents and said he did not realize he did not have authority to sign them.

When asked why he signed things for which he had not received authorization, Mr. Miller repeatedly stated, “I had a reasonable assumption of authority based on the duties of my job.” Mr. Miller said that at some point in the past, he had been authorized to sign documents related to emergency and temporary appointments, so he did not realize that he was not authorized to sign them under the June 3, 2011, signature authority. Mr. Miller said that it did not make sense for him to not be authorized to sign on behalf of the Director for emergency and temporary appointments. Mr. Miller said it was his job was to ensure that there is enough staff to provide direct care to the agency’s residents and that it would make no sense to have to wait for Director approval to fill a needed position.

Investigators asked whether there were any circumstances that should have caused him to more closely consider the scope of authority, such as conversations with [former director] or any discipline or counseling. Mr. Miller said that he only recalled [former director] asking to be made aware of out-of-the-ordinary terminations and saying that he wanted to sign hiring monitor forms. Mr. Miller pointed out that after that conversation with [former director], he complied with [former director’s] requests in those two aspects. Mr. Miller denied having ever been counseled about his handling of appointments. Despite the fact that [former director] rescinded all signature authority on May 31, 2011, Mr. Miller did not believe that the June 3, 2011, grant of signature authority meant that he could not sign things he previously had been able to sign, except for hiring monitors and out-of-the-ordinary terminations.

Mr. Miller was also shown a copy of an August 9, 2011, signature authority document signed by [director]. Mr. Miller acknowledged signing and receiving the document. Mr. Miller said that based on documents investigators had previously shown him, he assumed that he had signed documents that he was not specifically authorized to sign. Mr. Miller was shown CMS-2s

¹⁶ Mr. Miller acknowledged signing each document he was shown except for the employment decision form for [employee #7’s] promotion. Mr. Miller stated that he did not sign that document and did not recognize the signature with initials. Mr. Miller said that it appeared that someone was trying to make it appear as though he signed it.

and employment decision forms for three emergency appointments, acknowledged signing the six documents, and confirmed he was not authorized to sign them under the August 9, 2011, signature authority document. Mr. Miller again said that he “had a reasonable assumption of authority” to sign the documents “based on the duties of [his] job.”

Mr. Miller said that at some point, [director] told him he was signing employment decision forms for which he was not authorized. Mr. Miller said that this was the first time he realized that he had been signing documents he had no authority to sign and said he worked with [director] and her assistant to make additions to the items he was authorized to sign.

Mr. Miller also said that he believed he signed [director’s] name to documents prior to receiving the August 9, 2011 authorization to do so. Mr. Miller said that he worked with the Chief Internal Auditor and General Counsel to draft a letter explaining that he may have signed documents prior to August 9, 2011, in the event of a future audit inquiry.

Mr. Miller denied signing any documents in an attempt to deceive anyone and said he had no personal gain or motivation to sign the documents. Mr. Miller said that the authority to hire people is what his office does and that he saw and read the signature card, but never thought he did not have the authority to hire emergency, temporary or trainee employees. Mr. Miller indicated that neither [former director] nor [director] ever told him that they did not want him to sign those documents and said he should have “more closely” reviewed the signature authority documents. Mr. Miller apologized for signing documents he was not authorized to sign.

6. *Review of Jimmie Miller’s Memorandum of Counseling*

On July 6, 2011, Mr. Miller received a memorandum of counseling which bears the signatures of both Mr. Miller and [former director]. The memorandum documents two issues that [former director] describes as “serious lapses in judgment:” (a) signing [former director’s] name to backdated personnel documents and (b) “passively condon[ing] preferential treatment for a family member of the Assistant Director” regarding an emergency appointment.

IV. Analysis

A. **Jimmie Miller’s Implementation of the Summer 2011 Student Worker Program Was Contrary to the Justification for Hiring.**

Executive Order No. 1 (2003) established a hiring and promotion freeze whereby agencies could not hire employees without the “express written permission” of the Governor’s Office. Executive Order No. 1 (2003). In 2010, Governor Quinn reaffirmed that no position may be filled without submitting an ePAR and obtaining the Governor’s Office approval. Executive Order No. 10 (2010), Enforcement, I. The Governor’s Office approved IDVA’s ePAR request for student workers, which based its justification for an exception to Executive Order No. 1 (2003) on the fact that recruitment would be “done thru the ICED Internship program allowing [s]tudents with [d]isabilities an opportunity to gain training and experience in the work place.” The student worker positions were posted (as required by Administrative Order No. 2 [2009])

with the caveat that “[c]andidates from the ICED program will be given first consideration.” Administrative Order No. 2 (2009), II.A.2.

Mr. Miller confirmed that both the ePAR and posting were consistent with the direction he received from his chain of command. Despite having sought authorization for summer worker positions to help students with disabilities, recruited through the ICED program, gain work experience, only one of the two student workers positions in Chicago and one of the four positions in Springfield were filled by ICED candidates. The evidence reveals that Mr. Miller failed to give ICED candidates first consideration in both the Springfield and Chicago offices.

1. *Jimmie Miller Failed to Give Preference to ICED Candidates for the Student Worker Positions in the Springfield Office.*

In Springfield, Mr. Miller admitted that he hired [applicant #5] before any ICED candidates were even interviewed for the job. Of course, by hiring [applicant #5] before even meeting any of the ICED candidates, Mr. Miller could not have known whether the ICED candidates possessed any physical limitations. Mr. Miller’s illogical explanation for the hire is made more troublesome by the fact that [applicant #5] was referred to Mr. Miller by a local office holder and a related IDVA employee. Mr. Miller contends that he did not know about any relation between [applicant #5] and IDVA employee [employee #3]. Mr. Miller further contends that he does not recall whether he knew that Springfield Alderman [alderman], [identifying information redacted], was the person to give [applicant #5] his direct fax number. Regardless of Mr. Miller’s protests, these connections and the appearance of impropriety are exactly the concerns that led [former director] to cease the summer worker program all together for 2010 and Mr. Miller acknowledged as much when he stated that he was allowed to hire student workers if they would be recruited through the ICED program, to avoid a continuation of the IDVA “friends and family plan.”

2. *Jimmie Miller Failed to Give Preference to ICED Candidates for a Student Worker Position in the Chicago Office.*

In Chicago, Mr. Miller again failed to give ICED candidates preference when he hired [applicant #1] on May 20, 2011, before the posting expired (May 24, 2011) and before any ICED candidates were even interviewed on June 8 and 9, 2011. This resulted in even greater unfairness because [applicant #1’s] hiring reduced the positions available to the four ICED candidates to only one rather than two.

Mr. Miller described [applicant #1’s] hiring as a situation where he needed to hire a very specific kind of candidate (one with IDVA knowledge who could “hit the ground running” and with specific personality characteristics) to fit a specific need identified by [employee #4] in Chicago. However, this account is not supported by [employee #4’s] interview. [Employee #4] reported to investigators that shortly after [applicant #1] began working, he sent her to work with the other Chicago student worker, because he did not have any work for her to perform. Additionally, if such a situation existed, [applicant #1] should not have been hired under the student worker position number and the Department should have sought separate approval to hire

[applicant #1] based on different justification. The evidence is clear that [applicant #1] was given first consideration and because of her early hire, an ICED candidate was not hired.

[Applicant #1's] connection to Mr. Miller¹⁷ and the Department makes her hiring even more troubling. Mr. Miller is clearly aware of the connection [applicant #1] had to the Department as she was first referred to the Department through Mr. Miller's wife in 2010. [Applicant #1] obtained a position working in the HR office even though the Department was not hiring student workers, and she often rode to work or lunched with Mr. Miller.

The allegation that Mr. Miller filled at least two student worker positions in a manner contrary to the directives of his supervisors and approval of the Governor's office is **FOUNDED**.

B. Jimmie Miller Violated *Rutan*-Related Administrative Orders While Hiring Summer 2011 Student Workers.

In December 2009, Administrative Order No. 2 was issued, reaffirmed prior *Rutan*-related administrative orders,¹⁸ and detailed various changes and clarifications to how hiring was to be conducted by State agencies for *Rutan*-covered positions. Mr. Miller understood that the student worker positions were *Rutan*-covered positions and although he claimed to have never seen a copy of the Order before his December 5, 2011, interview, a December 11, 2009, email wherein the Order was sent to Mr. Miller and others refutes this fact. In fact, on October 21, 2009, Mr. Miller became a *Rutan*-certified interviewer. The evidence uncovered in this case reveals that with regard to the 2011 summer program, Mr. Miller violated State hiring policies in a multitude of ways.

1. Jimmie Miller Did Not Use a Standardized Method to Select Candidates for Interviews.

The Order directs that where it is impractical for agencies to interview all reachable applicants, "the agency shall use a standardized method to select the names of candidates to interview for a position. Such a method shall be based on: (i) factors related to the merits of the individual applicants (ii) random selection, or (iii) any other reasonable, impartial, and legally compliant standard." Administrative Order No. 2 (2009), III.C.2. In this case, IDVA received nearly over 200 applications for six positions. Mr. Miller said that he invited each ICED program participant to interview, but beyond that, Mr. Miller affirmed that he did not use a standardized method to determine whom to invite to interview. Mr. Miller said that he was just looking for candidates "with the education and experience to do the job."

¹⁷ The complaint alleges that all of the non-ICED program candidates Mr. Miller interviewed - [applicant #1], [applicant #6], [applicant #7], and [applicant #5] - may have been connected to Mr. Miller in some way. [Applicant #5] and [applicant #1] are discussed above; however, investigators were unable to uncover evidence to support that a prior relationship existed between [applicants #6 and #7] and Mr. Miller.

¹⁸ Administrative Order No. 1 (1990), Administrative Order No. 2 (1990), and Administrative Order No. 1 (1991).

2. *Jimmie Miller Did Not Assess Candidates Based on a Uniform Set of Questions.*

The Order directs that interviewers assess candidates based on their responses to a uniform set of questions. Administrative Order No. 2 (2009), III.B.1. Mr. Miller admitted to using different questions for [applicant #5] than [applicant #4]. Further, hiring documents show that [applicant #1] was asked a different set of questions than any other applicant in Springfield or Chicago. Despite reporting to investigators that he believed *Rutan* was a suggested practice rather than a requirement, Mr. Miller acknowledged that *Rutan* required him to use the same questions for all interviews.

3. *Jimmie Miller Used Single Interviewers to Select Student Workers Without the Authorization of the Director of CMS.*

“Since multi-member interviewer panels provide greater input and reduce the risk of improper influence in the hiring process for *Rutan*-covered positions, agencies shall utilize such panels rather than single interviewers in the interview and evaluation process.” Administrative Order No. 2 (2009), III.B.2. “Under limited circumstances, the Director of CMS or his or her designee may approve the use of single interviewers for *Rutan* interviews and evaluations, but only after the director of the requesting agency provides written justification for the use of a single interviewer.” Administrative Order No. 2 (2009), III.B.2.

The student workers said, and Mr. Miller confirmed, that only one interviewer interviewed each candidate. Mr. Miller admitted that he did not seek approval from the Director of CMS to use single interviewers but claimed he was unaware of the requirement. In doing so, Mr. Miller not only personally violated the administrative order, but he directed staff to do so as well.

4. *Jimmie Miller Did Not Interview and Rank All Candidates Prior to Selection for the Student Worker Positions in the Springfield Office.*

Based on the interviewees’ responses to the standardized questions, the agency is required to rank all candidates interviewed for a particular position. Administrative Order No. 2 (1990), III.F. “By ranking candidates, agencies are provided one measure to further distinguish between equally qualified candidates.” Administrative Order No. 2 (1990), III.F. The Springfield student workers all said that they were offered a position at the end of their interview. Mr. Miller confirmed that the student workers were hired at the time of their interviews and that many began working the next day. Despite hiring student workers on a rolling basis, the hiring paperwork submitted to CMS for processing contains each applicant’s “rank.” This ranking is artificial at best. For example, [applicant #5] and [applicant #4], who were both interviewed on May 31, 2011, were ranked second and fifth from among the five candidates interviewed for the four Springfield vacancies. Despite [applicant #4] later being ranked fifth of five, he, like [applicant #5], was offered employment before other candidates were interviewed.

Though as Mr. Miller points out, the Personnel Rules do not prohibit an agency from hiring an applicant immediately following his interview, the State's *Rutan* compliance policies do, in effect, by requiring ranking of applicants. By hiring candidates as they interviewed, interviewing only as many applicants as vacancies exist, and failing to compare all candidates for the same position, Mr. Miller subverted the *Rutan* compliance policies. Instead, Mr. Miller essentially hired the Springfield applicants when he invited them to interview. Thus, hiring was based on Mr. Miller's review of their applications alone, since performance in the interview was not assessed in relation to other applicants.

For the reasons stated above, Mr. Miller violated State hiring policies in a number of ways. Accordingly, the allegation that Jimmie Miller violated State hiring policies when hiring summer 2011 student workers is **FOUNDED**.

C. Jimmie Miller Falsified Documents.

The IDVA Rules of Conduct prohibit employees from making a false report, written or oral, including "information regarding employment." (IDVA Policy and Procedures Manual, Rules of Conduct #14). Mr. Miller signed and submitted false employment records for [applicant #7] and [applicant #5].

[Applicant #7] and Mr. Miller consistently said that when [applicant #1] arrived for her interview, Mr. Miller was otherwise occupied and directed [employee #1] to complete the interview – which she did. Even though [employee #1] was the interviewer, Mr. Miller signed and submitted to CMS for processing a candidate evaluation form identifying himself as the Interviewing Officer. By affixing his signature to the candidate evaluation form, Mr. Miller was affirming not only that the hiring criteria and interview questions were developed prior to the candidate interview process but that political affiliation was not a consideration. This is an affirmation that Mr. Miller could not have made because he did not conduct the interview.

Mr. Miller also signed false employment records for [applicant #5]. Mr. Miller described clearly to investigators how he interviewed [applicant #5] using a set of questions before "amending the questions" for [applicant #4's] interview. [Applicant #5's] statement that she was "for sure" asked more than three questions is consistent with Mr. Miller's interview. [Applicant #5] stated that she was not asked about her career goals or her outside interests. Despite this, Mr. Miller signed and submitted a candidate evaluation form showing that he only asked her three questions¹⁹ along with the interviewer observation rating. The evidence in this case shows [applicant #5's] candidate evaluation form, which that Mr. Miller signed, contained false information about the questions she was asked.

Accordingly, the allegation that Jimmie Miller violated IDVA Rules of Conduct by submitting false employment records for [applicant #7] and [applicant #5] is **FOUNDED**.

¹⁹ See footnote 7.

D. Jimmie Miller Abused the Signature Authority Granted by [former director] and [director].

Since 1991, the Department of Central Management Services (“CMS”) has required many personnel documents to be signed by an agency director for processing. As a CMS memorandum pointed out, “directors are ultimately responsible for the outcome of the selection process.”²⁰ Agency directors delegate signature authority to staff and notify CMS of the delegation. [Former director] and [director] both delegated signature authority to Mr. Miller for various personnel documents. During his OEIG interview, Mr. Miller admitted to signing documents under both [former director] and [director] that he was not authorized to sign.

Beginning in October 2009, [former director] granted Mr. Miller broad authority to “sign all employee and position action and related documents for the Department of Veterans’ Affairs” but later (May 30, 2011) rescinded all signature authority for all IDVA employees, including Mr. Miller. On June 3, 2011, [former director] submitted a memorandum to CMS, providing “new and limited signature authority” enumerating five types of documents Mr. Miller was authorized to sign. [Former director] was replaced by [director] on August 5, 2011. On August 9, 2011, [director] submitted a memorandum to CMS wherein she authorized Mr. Miller to sign nine specific types of personnel documents.

Mr. Miller was shown 26 documents. Mr. Miller admitted to having signed [former director] and [director’s] name to 25 of the documents even though he was not specifically authorized to do so. Mr. Miller also informed investigators that he signed [director’s] name to documents before she had authorized him to sign her name in any capacity.

Mr. Miller attempts to minimize his misconduct by arguing that he had “a reasonable assumption of authority based on the duties of [his] job.” However, Mr. Miller’s “assumption” is not reasonable given the express limitations placed upon his authority. From October 2009 through May 2011, [former director] granted Mr. Miller broad authority. However, on June 3, 2011, after having *rescinded* all signature authority agency-wide, Mr. Miller signed a new signature authority memorandum that explicitly states that it is a “new and limited grant of signature authority” and outlines the five specific items for which Mr. Miller had been granted “limited” authority. Mr. Miller claims to have read the memorandum while at the same time stating that he did not believe his authority had been limited except as to hiring monitor forms and out-of-the-ordinary terminations. Mr. Miller contends that it would not make sense to have to wait for the Director’s signature on emergency and short term appointments.

Furthermore, Mr. Miller’s explanation defies logic. First, [former director] had specifically counseled Mr. Miller about his inappropriate conduct relating to an emergency appointment, which like temporary appointments is an appointment that is ripe for misuse. Further, the rescission of signature authority and the explicit nature of the new and limited

²⁰ May 6, 1991, Memorandum to Agency Directors from Director of CMS Regarding Signature Authority.

authority leads one to believe that Mr. Miller was being untruthful either when he said that he read the memorandum or when he said that he did not intentionally sign documents for which he lacked authority. Even if Mr. Miller were to be believed when he says that he did not intend to violate signature authority, he still was inexcusably negligent when he failed to ensure he was acting within his new signature authority.

Mr. Miller continued to act negligently with respect to signing [director's] name. Mr. Miller described that he used [director's] name to sign documents before she had ever authorized him to do so. Even after [director] granted him limited authority, Mr. Miller continued to sign documents beyond that authority including employment decision forms and CMS-2s for emergency appointments. Again, Mr. Miller's "assumption of authority" to act on behalf of a new director with whom he had never worked is illogical and unreasonable. Accordingly, the allegation that Jimmie Miller abused signature authority granted by [former director] and [director] by signing documents he was not authorized to sign is **FOUNDED**.

V. Recommendations

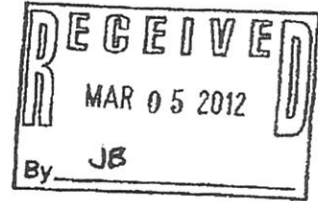
Following due investigation, the OEIG issues these findings:

- **FOUNDED** – Jimmie Miller violated Executive Order No. 1 (2003) and Administrative Order No. 2 (2009) when he failed to give preference to ICED candidates in hiring student workers for the 2011 summer as outlined in the PAR and position posting.
- **FOUNDED** – Jimmie Miller violated Administrative Order No. 2 (2009) when he failed to use a standardized method for selecting candidates to interview for student worker positions.
- **FOUNDED** – Jimmie Miller violated Administrative Order No. 2 (2009) when he failed to assess candidates based on a uniform set of questions.
- **FOUNDED** – Jimmie Miller violated Administrative Order No. 2 (2009) when he was the sole interviewer for [applicant #4], [applicant #6], [applicant #5], and [applicant #1].
- **FOUNDED** - Jimmie Miller violated Administrative Order No. 2 (2009) when he directed [employee #1] to act as the sole interviewer for [applicant #7] and [applicant #8] and directed [employee #6] to act as the sole interviewer for five Chicago candidates.
- **FOUNDED** – Jimmie Miller violated Administrative Order No. 2 (1990) when he failed to interview and rank all candidates for the student worker positions before making selections.

- **FOUNDED** – Jimmie Miller violated IDVA Code of Conduct when he falsified employment records for [applicant #5] and [applicant #7].
- **FOUNDED** – Jimmie Miller violated the signature authority granted to him by [former director] by signing multiple documents for which he was not authorized.
- **FOUNDED** – Jimmie Miller violated the signature authority granted to him by [director] by signing multiple documents for which he was not authorized.

Although the OEIG was planning to recommend that Jimmie Miller be discharged for his mismanagement of the summer 2011 student worker program, falsification of employment records, and for signing hiring documents he was not authorized to sign, in early February 2012, the OEIG learned that Mr. Miller resigned effective February 2, 2012. Thus, the OEIG recommends that IDVA place a copy of this report in Mr. Miller's personnel file and that Mr. Miller not be considered for future State employment.

No further investigative action is needed, and this case is considered closed.



OFFICE OF EXECUTIVE INSPECTOR GENERAL
FOR THE AGENCIES OF THE ILLINOIS GOVERNOR

32 WEST RANDOLPH STREET, SUITE 1900
CHICAGO, ILLINOIS 60601
(312) 814-5600

OEIG RESPONSE FORM

Case Number:
11-01052

Return By:
20 Days After Receipt of Report

Please check the box that applies.

- ☐ We have implemented all of the OEIG recommendations.
(Provide details regarding action taken.)

- ☐ We will implement all of the OEIG recommendations but will require additional time.
We will report to OEIG within 30 days from the original return date.
(Provide details regarding action planned / taken.)

(over)

☒ We are implementing one or more of the OEIG recommendations, however, we plan to depart from other OEIG recommendations.

(Provide details regarding action planned / taken and any alternate plan(s).)

We have implemented the OEIG recommendation to file the OEIG report in Mr. Miller's personnel file. However, IDVA had already accepted Mr. Miller's resignation prior to receipt of the OEIG report and so was not able to implement the recommendation to bar Mr. Miller from consideration for future state appointment employment; Mr. Miller's resignation was accepted via an administrative code barring him from future IDVA employment.

☐ We do not wish to implement any of the OEIG recommendations.
(Explain in detail why and provide details of any alternate plan(s).)

Signature

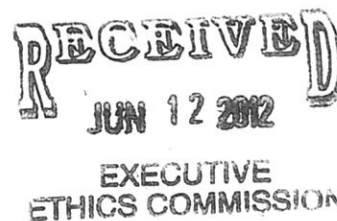
ERICA J. BORGGREN
Print Name

DIRECTOR

Print Agency and Job Title

MARCH 1, 2012

Date

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: Jimmie Miller

)

11-01052

RESPONDENT'S SUGGESTIONS FOR REDACTION / PUBLIC RESPONSE

Please check the appropriate line and sign and date below. If no line is checked the Commission will not make your response public if the redacted report is made public.

☒ Below is my public response. Please make this response public if the summary report is also made public; or

☐ Below are my suggestions for redaction. I do not wish for these suggestions to be made public.

Respondent's Signature_____
Date

6/11/12

Instructions: Please write or type suggestions for redaction or a public response on the lines below. If you prefer, you may attach separate documents to this form. Return this form and any attachments to:

Illinois Executive Ethics Commission
401 S. Spring Street, Room 513 Wm. Stratton Building
Springfield, IL 62706

Attached

June 11, 2012

Illinois Executive Ethics Commission
401 S. Spring Street Room 513
W.. Stratton Building
Springfield, IL 62706

RE: Jimmie Miller 11-01052

I am requesting that this investigation report be withdrawn from my personnel file, and not published with the current content. In June 2011, former OEIG Investigator,

, and I had a disagreement regarding her belief that I began a Policy update project that was assigned for her to do, by . This situation eventually

evolved to individual conferences between I and me,

. During the height of the disagreement I informed that updating the policy was my job and I wasn't aware she was assigned this task. Her response to me was, "we'll see about that, and how long".

I ignored this remark and came to understand that she was vindictive. In fact, a couple days after made this remark I received an unsolicited phone call from former OEIG Investigator I

- informed me that he had ran into and several other current Springfield OEIG Investigators having lunch together, and inquired about the status of our relationship as co-workers. I asked him why, but informed that it was professional. He went on to tell me that I had been expressing to the current OEIG investigators that I was incompetent, and she had a very negative opinion of me. ended the conversation by suggesting that I should "watch my back."

In the weeks to follow I falsely portrayed to Director at the time that I had knowingly violated certain policies, and she needed to investigate it. It is my belief that in conjunction with OEIG investigators compiled information and built a case against me for the purpose of relieving me from my position, satisfying ' earlier threat.

IDVA received a new Director, and .ook these issues to her, which led to an Internal Audit being conducted against me and the performance of my duties. The internal audit involved many of the issues that OEIG deemed as "FOUNDED". However, the internal audit had a far different conclusion. The Ethics Act refers to conduct that is "intentional". The Internal Audit speaks too this, however, the OEIG investigation overlooked this condition. However, it did state that I had directed an employee to conduct sole interviews. This employee is an SPSA, and the Ethics Act requires an employee to report directives that violated the Ethics Act. If the employee believed he was violating the Ethics Act, he should have reported such. I assert he was not directed by me to intentionally violate any condition of the Ethics Act. The stance that the OEIG took against me would suggest that agencies should refer all matters of policy infractions, and mistakes to OEIG for investigation. Any policy that I have been found to have violated was not as a result of intentional conduct or personal gain. As another example, the issues related to signature authority were brought to the current Director knowledge by myself, and

thru emails between she and me, it clearer shows there were no negligent "intentional" attempt to falsify documents as alleged in the OEIG report. The internal audit speaks to this and other issues.

I do not have access to emails and documents to effectively respond to the OEIG investigation, however, if you review the internal audit that was conducted by [REDACTED], it will become apparent that I was being unlawfully piled on, and the issues that were being dealt with on an agency level were heightened by [REDACTED] and her relationship with current OEIG investigator(s). In fact it is my belief that OEIG received the additional information regarding the signature authority when it was determined that the internal audit wouldn't have the same conclusion as the OEIG investigation.

I am requesting a re-investigation from a neutral party, and the opportunity to provide a full rebuttal to an OEIG finding that I assert is tainted.

Thank You

 Jimmie Miller